IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ANDY KIM, in his personal capacity as a candidate for U.S. Senate, ANDY KIM FOR NEW JERSEY, SARAH SCHOENGOOD, SARAH FOR NEW JERSEY, CAROLYN RUSH and CAROLYN RUSH FOR CONGRESS, *Plaintiffs,* v. CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk; SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk; PAULA SOLLAMI COVELLO, in her officialcapacity as Mercer County Clerk; MARY H. MELFI, in her capacity as Hunterdon County Clerk; STEVE PETER, in his official capacity as Somerset County Clerk;HOLLY MACKEY, in her official capacity as Warren County Clerk; NANCY J. PINKIN, in her official capacity as Middlesex County Clerk; JOSEPH GIRALO, in his official capacity as Atlantic County Clerk; JOHN S. HOGAN, in his official capacity as Bergen County Clerk; JOANNE SCHWARTZ, in her official capacity as Burlington County Clerk; JOSEPH RIPA, in his official capacity as Camden County Clerk; RITA M. ROTHBERG, in her official capacity as Cape May County Clerk; CELESTE M. RILEY, in her official capacity as Cumberland County Clerk; CHRISTOPHER J. DURKIN, in his official capacity as Essex County Clerk; JAMES N. HOGAN, in his official capacity as Gloucester County Clerk; E. JUNIOR MALDONADO, in his official capacity as Hudson County Clerk; ANN F. GROSSI, in her official capacity as Morris County Clerk; DANIELLE IRELAND-IMHOF, in her official capacity as Passaic County Clerk; and JOANNE RAJOPPI, in her official capacity as Union County Clerk. *Defendants.* -and- DALE A. CROSS, in his official capacity as Salem County Clerk; and JEFF PARROTT, in his official capacity as	Civil Action No. 3:24-cv-01098

Sussex County Clerk; TAHESHA WAY, Esq., in her
official capacity as Secretary of State for New Jersey.

As Interested Parties.

DECLARATION OF STACI BERGER IN SUPPORT OF AMICUS CURIAE BRIEF OF JOE COHN, STACI BERGER, JAMES SOLOMON, VALERIE HUTTLE, AND RAVI BHALLA IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

STACI BERGER hereby declares, pursuant to 28 U.S.C. § 1746 as follows:

1.   I reside at 233 Ellis Parkway, Piscataway, New Jersey. I am a lifelong member of the Democratic Party and I am deeply involved in the Township of Piscataway community.

2.   I served two years as PTO president for our intermediate elementary school and served on the PTO Board for our middle school. I helped bring the American Cancer Society's Relay for Life to Piscataway in 2016, am a friend of the Piscataway Library and a member of the Board of Education's Climate, Culture and Community Relations committee.

3.   I helped launch the Piscataway Progressive Democratic Organization and currently serve as the chair of this Organization.

4.   I am serving my second term as a member of the Middlesex County Democratic Organization (MCDO), representing Piscataway's Ward 3, District 9 (which was previously Ward 3, District 2 until it was gerrymandered in 2022).

5.   Based on my experience in the community, establishing the Piscataway Progressive Democratic Organization and serving as a member of the MCDO, I have extensive personal knowledge of Democratic primaries in Middlesex County.

6.   In addition, I have extensive knowledge about politics in general. I hold a B.A. in Political Science and a Masters in Political Affairs and Policy, both from Rutgers University.

169642942v1

7.   In my experience and in each of the elections I have participated in, the "county line" system (hereinafter, the "Line") has confused voters and suppressed votes for candidates not backed by the party organization. I provide the specific facts below.

8.   I first ran for a Ward Council seat on the Township Council in 2018, after learning that a warehouse was being built at the edge of our residential neighborhood. State law required me to collect 25 signatures from Democratic voters in my ward to be placed on the ballot.

9.   I participated in the candidate screening for the Line from the Piscataway Democratic Organization (PDO), which awards the municipal line with approval from the MCDO chair. I received 4 votes from the PDO, made up of 78 elected members and at least five super-delegates. I was not awarded the Line and had to decide whether and how to get in the ballot draw for better position or risk ending up in "ballot Siberia."

10.   In order to participate in the ballot draw and be competitive for ballot position, I would have needed to bracket with a candidate for the U.S. Senate in the Democratic primary. U.S. Senator Bob Menendez was on the ballot and had been awarded the MCDO Line.

11.   If I wanted to be in the ballot draw and contest for better placement in one of the columns on the ballot with a candidate who shared my values, I would have had to recruit a candidate for U.S. Senate and use our grassroots campaign to secure at least 1,000 valid signatures to place that candidate on the ballot, simply for the purpose of bracketing (compared to the 25 valid signatures I needed to be on the ballot myself). Such an undertaking would have distracted from our very local campaign which was focused on transparency and accountability at the municipal level. Thus, I chose not to pursue that route and ran without a pivot candidate for the ballot draw and ended up in ballot Siberia.

12.   I was placed in Column D by the County Clerk. The incumbent I was challenging

appeared in the MCDO Column, which was headed by Sen. Menendez, and included U.S.

Congressman Frank Pallone. I appeared alone to the right of them, with a full space between the

incumbent I was running against and me. I lost the election by 160 votes, 814-655.

13.   Voters later told me they were unable to find me "on the line with the

Democrats." Other voters attested they did not think they could vote for me, even though they

saw my name in Column D, because they wanted to vote for Congressman Pallone too, and

didn't think they could vote for candidates who were not in the same column. Even though I was

extremely competitive in the actual Primary, the Line design of the ballot meant I was not given

a fair chance to compete. The preferential ballot placement given to my opponent had a

detrimental effect on my candidacy and on the voters' ability to vote for their preferred

candidate.

14.   In 2022, I ran once more for the same Ward Council seat. I once again screened

for the Line and was defeated by a new candidate who had been recruited by the Piscataway

Democratic Organization to replace the incumbent I had previously challenged (he declined to

run for re-election). I received four votes in the PDO screening and, again, had to decide

whether to try to form a Line to be in the ballot draw.

15.   As a grassroots candidate with no Party support, this put me at a significant

disadvantage forcing me to spend time and resources just to participate in the ballot draw in

attempt to avoid being in Ballot Siberia again. None of that would have been necessary if New

Jersey simply had an office block ballot, like every other state does, which would provide

predictability and certainty to candidates and voters alike.

16.   I lost that election by 25 votes. Again, voters told me they were not sure if they were allowed to vote for me because I was not under the "Democrats' column." Other voters told me they "vote down the column" and assumed I was on it because I am a Democrat. The Line conferred significant support for a candidate who was virtually unknown and had never been involved in the local Democratic Party at all. I received 706 votes to her 730 votes, and I am confident that if we had a fair ballot and fair election, I would have won that race.

17.   The ballot design using the Line deprives candidates and voters of a fair election, as well as the chance to more fully reflect the diversity of our Party and our community. It undemocratically favors candidates favored by the established members of our Party and presents those candidates with an advantage gained by the confusion the ballot causes voters. Bloc voting, as opposed to the Line, is a simple and easy solution which will allow voters intent above all to select who represents their party in the general election.

Executed on March 11, 2024

_____
Staci Berger

169642942v1